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12 Attorneys for Plaintiff ANDREW QUIRUZ

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 ANDREW QUIRUZ, on behalf of himself, all  
17 others similarly situated,

18 *Plaintiff,*

19 vs.

20 SPECIALTY COMMODITIES, INC, a North  
21 Dakota corporation; ARCHER-DANIELS-  
22 MIDLAND COMPANY, a business entity form  
23 unknown; and DOES 1-100, inclusive,

24 *Defendants.*

Case No.: 5:17-cv-03300-BLF

Assigned For All Purposes to the Honorable  
Beth Labson Freeman, Courtroom 3

**PLAINTIFF'S SECOND REPORT  
REGARDING STATUS OF FILING FIRST  
AMENDED MOTION FOR PRELIMINARY  
APPROVAL OF PROPOSED CLASS  
ACTION SETTLEMENT**

Courtroom: Courtroom 3  
Judge: Hon. Beth L. Freeman

Action Filed: May 3, 2017  
Date of Removal: June 7, 2017

1 Plaintiff ANDREW QUIRUZ ("Plaintiff"), by and through his counsel of record, submits the  
 2 following Second Report regarding the status of filing of Plaintiff's First Amended Motion for Preliminary  
 3 Approval of Class and Collective Action Settlement and Certification of Settlement Class (the "Motion").

4 Since this Court's denial of Plaintiff's Motion for Preliminary Approval on June 27, 2019, the  
 5 Parties have (1) met and conferred at length regarding how best to revise the settlement agreement and  
 6 address the concerns raised by this Court during the June 27, 2019 hearing; (2) conducted research into the  
 7 FLSA release and other issues raised by this Court during the blank hearing (3) drafted and executed a  
 8 Stipulation of Settlement of Class Action Claims and Release of Claims; (4) obtained revised bids from  
 9 various settlement administrators; and (5) exchanged multiple drafts of Plaintiff's First Amended Motion  
 10 for Preliminary Approval of Class Action Settlement.

11 On November 15, 2019, and pursuant to Local Rule 7-11, Plaintiff filed a motion with this Court  
 12 for leave to exceed the page limitations specified in Local Rule 7-4. Accordingly, this Court granted in  
 13 part Plaintiff's motion to file his Motion of up to 30 pages.

14 Due to the necessity of eliminating more than 16 pages to the Motion, as well as Plaintiff's counsel  
 15 unavailability (*see* Declaration of William M. Pao filed concurrently with this Report) to attend full-day  
 16 depositions in at least three other matters and required travel for a Court-ordered Case Management  
 17 Conference in San Jose, California, as well as the upcoming Thanksgiving holidays, Plaintiff respectfully  
 18 request that this Court continue the deadline by which Plaintiff shall file his Motion through December 6,  
 19 2019.

20  
 21 DATED: November 18, 2019

SETAREH LAW GROUP

22  
 23 /s/ William M. Pao

24 SHAUN SETAREH  
 25 WILLIAM M. PAO  
 26 ALEXANDRA R. MCINTOSH  
 27 Attorneys for Plaintiff,  
 28 ANDREW QUIRUZ

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of November 2019, a true and correct copy of the foregoing document was filed via the court's CM/ECF filing system and a copy was delivered via the same on all attorneys of record.

/s/ Shaun Setareh

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19 *Defendants.*

Case No.: 5:17-cv-03300-BLF

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**DECLARATION OF WILLIAM M. PAO IN  
SUPPORT OF PLAINTIFF'S SECOND  
REPORT REGARDING STATUS OF  
FILING FIRST AMENDED MOTION FOR  
PRELIMINARY APPROVAL OF  
PROPOSED CLASS ACTION  
SETTLEMENT**

Action Filed: May 3, 2017  
Date of Removal: June 7, 2017

**DECLARATION OF WILLIAM M. PAO**

I, William M. Pao, declare as follows:

1. I am an attorney at law duly licensed to practice in the State of California and attorney of record for Plaintiff Andrew Quiruz ("Plaintiff") in this action against Defendants Speciality Commodities, Inc. and Archer-Daniels-Midland Company (both referred to as "Defendants"). The matters stated in this declaration are true of my own personal knowledge, except as to those matters stated on information and belief and as to those matters, I believe them to be true. If called as a witness, I would testify competently to them under oath.

2. I am counsel of record in the following matters with depositions scheduled to take place:

(a) November 19, 2019 (*Reid v. ESA Management, LLC*, No. 4:18-cv-02550-JSW);

(b) November 20, 2019 (*Suttles v. USR Systems LLC, et al.*, No. 19CV341022);

(c) November 21, 2019 (Pacific Bell Wage and Hour Cases, JCCP No. 5017).

3. I will also be traveling on November 22, 2019 to attend a Court-ordered Compliance Hearing in *Emetoh v. Fedex Freight, Inc.*, No. 17-cv-07272-YGR.<sup>1</sup>

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 18th day of November 2019, in Beverly Hills, California.

/s/ William M. Pao

William M. Pao

<sup>1</sup> This should be taken off-calendar as Plaintiff filed his Motion for Preliminary Approval on November 15, 2019. However, as of the date of this Report, the Compliance Hearing remains on calendar.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18<sup>th</sup> day of November 2019, a true and correct copy of the foregoing document was filed via the court's CM/ECF filing system and a copy was delivered via the same on all attorneys of record.

/s/ Shaun Setareh